

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-35 were pending prior to the Final Office Action. Claims 15-25 are canceled. Therefore, claims 1-14 and 26-35 are pending. Claims 1 and 27 are independent.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview with Applicant's representative on May 24, 2006.

§ 102 REJECTION – COOK

Claims 15-19 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cook et al. (U.S. Patent No. 6,786,655). Since the rejected claims are canceled, the rejection is rendered moot. Applicant respectfully requests that the rejection of claims 15-19 based on Cook be withdrawn.

§ 103 REJECTION – COOK, PATTON

Claims 1-8, 11-14 and 22-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cook in view of Patton et al. (U.S. Patent No. 6,433,888). The rejection with respect to claims 22-25 is rendered moot. With respect to claims 1-8, 11-14 and 26-35 Applicant respectfully traverses.

In the Final Office Action, the Examiner alleges that Patton discloses an image processing condition that contains information used for reprinting, such as a printing profile detailing whether the image was produced from a cropped image, the frame number, etc., and relies upon Figure 1 and column 4, lines 19-50 of Patton. The Examiner's reliance on Patton is misguided.

Contrary to the features as recited in claims 1 and 27, Patton teaches scanning a photographic print instead of a photographic film. In Patton, information data 14 is embedded in the photographic print as illustrated in Figure 1. The photographic print, for example, has an image recorded on a photographic film printed onto a photo paper. Thus, information data 14 is embedded into the image when the image printed onto the photo paper.

On the other hand, the image on the photographic film is obtained by a development process. Thus, it is not possible to embed the image processing condition into the developed visible image on the photographic film as information data 14, wherein the image processing condition is determined by the scanned data that is obtained by scanning the image on the film for reproducing the image onto the photo paper. In other words, in Patton, the image is printed on the photo paper output by a printer and the information data 14 can be embedded into the photographic print, but not in the image on the photographic film.

The photographic print can include the image processing condition of the photographic print output by the printer as the information data 14, but the

photographic film does not have an image processing condition since the image is not scanned and output as a print by the time the image is developed and made visible. As such, the information data 14 feature in Patton is limited to a printed image, and cannot be applied to the photographic film as recited in claims 1 and 27. Thus, even if Patton's teaching is applied to Cook as the Examiner suggests, it will not lead to the subject matter of claim 1 which is directed to a photographic film. This alone is sufficient to distinguish claims 1 and 27 over Cook and Patton.

In addition, claims 1 and 27 include the feature of a storage device which stores an image processing condition relative to each image when generating the output image reproducing the photographed image and image retrieval data. In the Final Office Action, the Examiner alleges that the storage system 124b in Figure 1 of Cook corresponds to the storage device as recited in claims 1 and 27. A closer observation indicates that the storage system 124b is merely a conventional storage device that stores digital images. There is nothing to indicate that the image processing condition information is stored as well.

The Examiner alleges that the image processing condition is disclosed in Patton. As demonstrated above, the information data 14 – allegedly equivalent to the image processing condition as recited – is embedded in a photographic print. In effect, the Examiner is alleging that the storage system of Cook and

the photographic print that includes the information data 14 are somehow equivalent.

They are not equivalent. This is because printing the information data 14 onto the photographic print 14 is a technical feature in Patton. There is simply no motivation to record the contents of the information data 14 in the storage system 124b of cook. Therefore, the teachings cannot be combined. Even if the teachings are combined, the combination will not lead to the subject matter of claims 1 and 27.

For at least the reasons stated above, independent claims 1 and 27 are distinguishable over Cook and Patton. Claims 2-8, 11-14, 26 and 28-35 depend from independent claims 1 and 27 directly or indirectly. Thus, these dependent claims are also distinguishable over the same references for at least due to the dependencies from claims 1 and 27.

Applicant respectfully requests that the rejection of claims 1-8, 11-14 and 22-35 based on Cook and Patton be withdrawn.

§ 103 REJECTION – COOK, PATTON, CHACKER

Claims 9-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cook in view of Patton and in further view of Chacker (U.S. Patent No. 6,578,008). Applicant respectfully traverses.

Claims 9 and 10 depend from independent claim 1 and it is demonstrated above that claim 1 is distinguishable over Cook and Patton.

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Chacker is not relied upon to correct for at least the above noted deficiencies of Cook and Patton. Therefore, claim 1 is distinguishable over the combination of Cook, Patton and Chacker. Then for at least due to their dependency thereon, claims 9 and 10 are also distinguishable over the same combination of references.

Applicant respectfully requests that the rejection of claims 9 and 10 based on Cook, Patton and Chacker be withdrawn.

§ 103 REJECTION – COOK, CHACKER

Claims 20-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cook in view of Chacker. The rejection is rendered moot. Applicant respectfully requests that the rejection of claims 20 and 21 based on Cook and Chacker be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

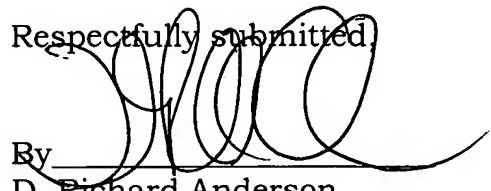
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

HNS


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